

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 20

January 17, 1995, 2:15 p.m.
Page S-976 Temp. Record

UNFUNDED MANDATES/Parliamentary Tactics

SUBJECT: Unfunded Mandate Reform Act of 1995 . . . S. 1. Kempthorne motion to table the committee amendment beginning on page 15, line 6.

ACTION: MOTION TO TABLE AGREED TO, 55-39

SYNOPSIS: Pertinent votes on this legislation include Nos. 15-19, 21-41, 43-45, and 47-61.

As reported by the Governmental Affairs Committee and the Budget Committee, S. 1, the Unfunded Mandate Reform Act of 1995, will create 2 majority (51-vote) points of order in the Senate. The first will lie against the consideration of a bill or joint resolution reported by an authorizing committee if it contains mandates and if Congressional Budget Office (CBO) cost estimates on those mandates are unavailable. The second point of order will lie against the consideration of a bill, joint resolution, motion, amendment, or conference report that will cause the total cost of unfunded intergovernmental mandates in the legislation to exceed \$50 million.

The committee amendment beginning on page 15, line 6, would modify language relating to reports on Federal mandates.

During debate, Senator Kempthorne moved to table the committee amendment. The motion to table is not debatable; however, some debate preceded the making of the motion. The debate was not on the substance of the amendment. Generally, those favoring the motion to table wanted to finish consideration of noncontroversial amendments and begin consideration of substantive floor amendments; those expressing reservations or opposing the motion to table wished to stall consideration of substantive issues.

Those favoring the motion to table contended:

Debate began on this bill on Thursday, January 12th. When debate began, an unanimous consent request was made to agree to all but three of the committee amendments (which were controversial) en bloc, and to consider them as original text for purposes of further amendment. At that time, an objection was made because a Budget Committee report on the bill was not yet available. That report, though, has now been available since the morning of January 13th. Senators have had five days to consider its contents.

(See other side)

YEAS (55)			NAYS (39)		NOT VOTING (6)	
Republicans (51 or 100%)	Democrats (4 or 9%)		Republicans (0 or 0%)	Democrats (39 or 91%)	Republicans (2)	Democrats (4)
Abraham	Inhofe	Bingaman		Akaka	Hollings	
Ashcroft	Jeffords	Byrd		Baucus	Inouye	Gramm ⁻²
Bennett	Kassebaum	Heflin		Biden	Johnston	Hutchison ⁻²
Bond	Kempthorne	Nunn		Boxer	Kerry	
Brown	Kyl			Breaux	Kohl	
Burns	Lott			Bryan	Lautenberg	
Chafee	Lugar			Bumpers	Leahy	
Coats	Mack			Campbell	Levin	
Cochran	McCain			Conrad	Lieberman	
Cohen	McConnell			Daschle	Mikulski	
Coverdell	Murkowski			Dodd	Moseley-Braun	
Craig	Nickles			Dorgan	Moynihan	
D'Amato	Packwood			Exon	Murray	
DeWine	Pressler			Feingold	Pell	
Dole	Roth			Feinstein	Reid	
Domenici	Santorum			Ford	Robb	
Faircloth	Shelby			Glenn	Rockefeller	
Frist	Simpson			Graham	Sarbanes	
Gorton	Smith			Harkin	Simon	
Grams	Snowe				Wellstone	
Grassley	Specter					
Gregg	Stevens					
Hatch	Thomas					
Hatfield	Thompson					
Helms	Thurmond					
	Warner					

EXPLANATION OF ABSENCE:

1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

Between January 12th and today, several noncontroversial committee amendments have been disposed of, but several still remain.

Consequently, we have again asked unanimous consent to agree to the remaining noncontroversial committee amendments. Objection has again been heard. This time, two different reasons have been given: first, Senators have not yet had enough time to gain a complete understanding of the bill's contents; and second, they feel that some Senators may wish to offer second-degree amendments to these committee amendments. On the first objection, our colleagues have our sympathies, but we also are certain that they are in the minority. After 5 days of study and hours of extensive debate, we are confident that the vast majority of Senators have a strong grasp of the substance of this bill and are anxious to proceed to the amending process. Therefore, we are unable to grant any deference to some Senators' lack of confidence in their understanding of S. 1. On the second point, it certainly is true that sometimes Senators prefer to offer second-degree amendments, but it is also true that sometimes they prefer to offer first-degree amendments; different situations make different options preferable. Given that we have been on this bill for several days without having any second-degree amendments offered, it is safe to say that in this particular situation there are not a great many Senators who are in a great hurry to offer them. Further, we have no intention of attempting to preclude the offering of second-degree amendments--we are quite willing to consider all substantive suggestions for improving this bill.

We are not willing, however, to wait forever. Therefore, we intend to vote to table the pending amendment, and the next committee amendment, both of which are noncontroversial, in order that we may begin debate on the next committee amendment in line to be considered, which we are pleased to report is an amendment of some controversy on which debate should occur. We trust a majority of our colleagues will join us in these tabling motions.

While favoring the motion to table, some Senators expressed the following reservations:

Our colleagues have shown great patience with us, despite our continuing objections to agreeing to the committee amendments, and we thank them for their courtesy. Once again, we assure them that it is not our desire to frustrate their efforts to move S. 1 forward. All we want to do is achieve a greater understanding of the provisions of this bill. In fact, when all is said and done, we suspect that we will vote to pass S. 1. Until we are confident that we understand the provisions of S. 1 as reported, though, we feel it would be unwise to begin the amending process. For example, as a greater understanding of this bill is reached, some Senators may find that they wish to offer second-degree amendments to the remaining committee amendments, in order to avoid having their amendments topped in turn. Obviously, agreeing to the committee amendments would foreclose that possibility. Tabling the committee amendments, admittedly, would also foreclose that possibility, but it would not have the effect of amending the bill as reported. Our main objection is still to amending something which we have not been given enough time to understand. If Senators wish to table this amendment, then no amending will take place, which is fine with us. Accordingly, we will support the motion to table.